

ORDINANCE NUMBER 1636

AN ORDINANCE OF THE CITY OF MILWAUKIE AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND ESTABLISHING A LOCAL IMPROVEMENT DISTRICT.

WHEREAS, the City received a petition of 60% of the property owners for the construction of the Johnson Creek Boulevard sanitary sewers, and

WHEREAS, the Public Works Director prepared preliminary plans, specifications, and estimates for construction of the improvement, and

WHEREAS, the Council adopted Resolution #27-1987 declaring its intent to make the improvement, and

WHEREAS, following proper notice to owners of benefited properties, a public hearing was held on 1 September 1987, and

WHEREAS, the objections made are not sufficient to suspend the improvement under Section 37 of the City Charter, and

WHEREAS, the Council finds that the improvement is necessary and that a local improvement district should be established.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. All objections to the proposed improvements are overruled and a local improvement district is established.

Section 2. The improvement is consistent with the following land use policies and regulations (see attached Exhibit One).

Section 3. The Johnson Creek Boulevard Sanitary Sewers shall be improved by constructing about 760 feet of 8" sanitary sewer & appurtenances.

Section 4. The improvement shall conform substantially to the preliminary plans and specifications prepared by the Public Works Director (see Exhibit One).

Section 5. The boundaries of the district shall be as shown on the attached Exhibit One, and the total cost of the improvement will be assessed to the following benefited properties as shown in Exhibit One.

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Section 6. The City Manager is directed to call for bids and proceed with construction of the improvement without delay.

Read the first time on September 1, 1987 and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on September 1, 1987.

Signed by the Mayor on September 1, 1987.




Roger Hall, Mayor

ATTEST:



Terri Widner, Finance Director

Approved as to form:



Greg Eades, City Attorney

CITY OF MILWAUKIE
Department of Public Works
JOHNSON CREEK BOULEVARD SEWER LID
PUBLIC WORKS REPORT

August 1987

EXHIBIT ONE

PROJECT DESCRIPTION

Construct approximately 760 feet of 8" diameter sanitary sewers (see Exhibit A):

- * On Johnson Creek Boulevard from SE Stanley Place to Darlington Avenue.
- * On Darlington Avenue approximately 330 feet north of Johnson Creek Boulevard.

PLANS, SPECIFICATIONS, COST ESTIMATE

- * Plans: see preliminary plans, Exhibit A
- * Specifications: 1980 Standard Specifications published by the Oregon Chapter of the American Public Works Association
- * Cost Estimate: \$64,500

HOW THE WORK WILL BE DONE

- * Design: by a consulting engineering firm to be selected by City Council
- * Inspection: by City personnel
- * Construction: By private contractor through competitive bid process

DISTRICT BOUNDARIES

See attached Exhibit A.

METHOD OF ASSESSMENT

Per square foot of land per lot with the following limitations:

- * Maximum area per lot to be assessed is 15,000 sq.ft.
- * Maximum depth per lot to be assessed is 150 feet.

(ASSESSMENT, continued)

Assessment will be computed by calculating the assessment area based on least area times the assessment rate. The assessment rate is computed by dividing the total project costs by the total assessment area in the LID boundaries.

CITY CONTRIBUTION

None.

INDIVIDUAL LOT/PARTICIPANT INFORMATION

See attached Exhibit B.

NON-REMONSTRANCE AGREEMENTS

None recorded.

LAND USE POLICIES

1. Comprehensive Plan, Public Facilities & Service Element:

- * "Goal Statement:
To plan, develop and maintain a timely, orderly and efficient arrangement of public facilities and services to serve urban development." See attached plan for service to the area, Exhibit A. The City of Milwaukie, City of Portland, and Clackamas County cooperated in establishing an urban service boundary. In 1985 the City of Portland adopted an urban service boundary, recognizing Milwaukie's short term annexation boundary east of Linwood Avenue - see Exhibit C.
- * Objective #2 - Coordination:
"To encourage cooperation and coordination between all public service agencies to maximize the efficient provision of all services."
- * Objective #5, Policy 3.
"The City will ensure that all future residents are provided with adequate wastewater collection services." This project will provide sanitary sewage collection facilities to an area within Milwaukie's short term urban service boundary.

2. URBAN SERVICE POLICY
EXCERPTS FROM RESOLUTION 12-1985

4. The City shall consider requests for delivery of services within the urban services boundary wherever the following conditions exist:
 - a. A majority of the residents and property owners within an area to be served desire delivery of services by the City of Milwaukie.
 - b. The City can meet the new demands without diminishing its ability to serve existing City of Milwaukie residents and businesses.
 - c. The City can supply the needed services most effectively and efficiently.
5. The City shall deliver services within the urban services boundary by means of annexation and, on an interim basis, through alternative approaches that are demonstrated to be in the best long-term interest of both the City and future service areas.

URBAN SERVICE BOUNDARY

In 1982 the City retained Cogan and Associates to study areas East of the City for possible annexation. As a result of that study, the City Council, in conjunction with Portland and Clackamas County, adopted a short term annexation Boundary.

EXHIBIT A

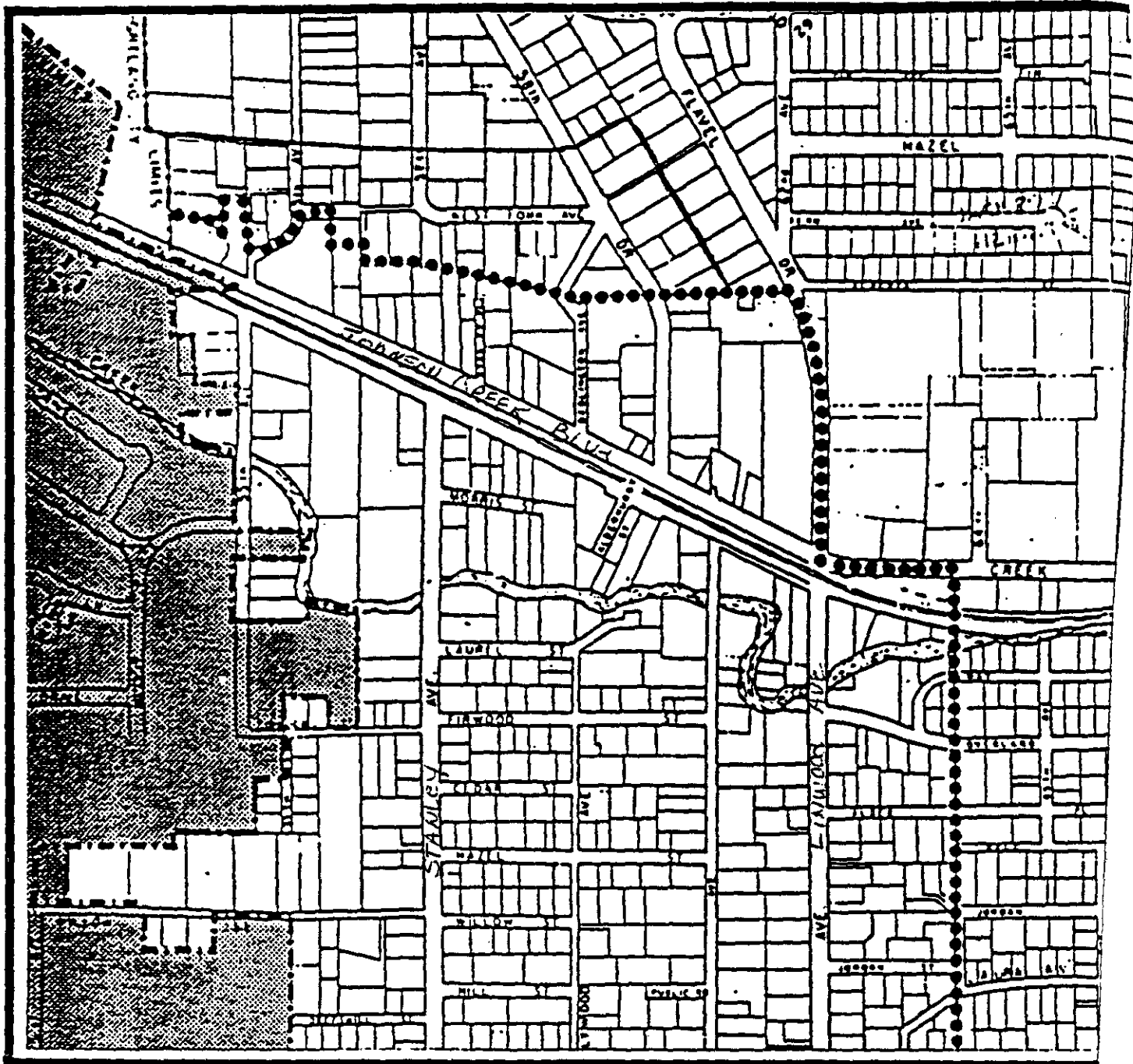
EXHIBIT B

PROPOSED JOHNSON CREEK BOULEVARD SANITARY SEWER LTD PROPERTY OWNERS ROLL

TOWNSHIP/RANGE/SECTION TAX LOT	SITUS ADDRESS	OWNER ADDRESS	AREA	MAX. AREA ASSES.	COST PER SQ. FT.	PRELIMINARY ASSESSMENT	SIGNED PETITION
1S 2E 30AD, TL 2100 ²	8920 SE 58th Dr. Ptld., OR 97206	Ruby Stapleton 8920 SE 58th Ptld., OR 97206	28,719	15,000	0.72364582	\$10,854.69	yes
1S 2E 30AD, TL 2200	9022 SE 58th Dr. Ptld., OR 97206	Betty L. Fox c/o Betty L. Molzan 21101 S. Jubb Road Estacada, OR 97023	7,177	7,177	0.72364582	\$ 5,193.61	yes
1S 2E 30AD, TL 2300 ³	6001 SE JC Blvd. Ptld., OR 97206	Stransky Lumber 6001 SE JC Blvd. Ptld., OR 97206	16,759	15,000	0.72364582	\$10,854.69	no
1S 2E 30AA, TL 7000	6001 SE JC Blvd. Ptld., OR 97206	Thorolyte Fiberglass 6001 SE JC Blvd. Ptld., OR 97206	33,791	15,000	0.72364582	\$10,854.69	no
1S 2E 30AA, TL 7100	5821 SE JC Blvd. Ptld., OR 97206	Fred Eberly 5821 SE JC Blvd. Ptld., OR 97206	24,395	15,000	0.72364582	\$10,854.69	no *
1S 2E 30AA, TL 7200	5819 SE JC Blvd. Ptld., OR 97206	Sam & Betty Malfu 5209 SE Lamesa Way Milw., OR 97222	11,384	11,384	0.72364582	\$ 8,237.97	yes
1S 2E 30AA, TL 7300	5815 SE JC Blvd. Ptld., OR 97206	Sam & Betty Malfu 5209 SE Lamesa Way Milw., OR 97222	10,571	10,571	0.72364582	\$ 7,649.66	yes
TOTALS			132,796	89,132		\$64,500.00	

ASSESSMENT RATE = $\frac{\$64,500}{89,132 \text{ sq.ft.}}$ 2 Lots 14-17 only * Will not object
= \$0.72364582/sq.ft. 2 Lots 19 & 20 only

MAP USED IN PORTLAND - CLACKAMAS CO. AGREEMENT



City of Milwaukie

URBAN SERVICES BOUNDARY

EXHIBIT C

MAP

CITY OF MILWAUKIE



PUBLIC WORKS DEPARTMENT
in the City Hall • phone 659-5171

NOTICE OF PUBLIC HEARING

JOHNSON CREEK BOULEVARD

SANITARY SEWER LOCAL IMPROVEMENT DISTRICT

The Milwaukie City Council will hold a public hearing on September 1, 1987 in the City Hall Council Chambers, 10722 SE Main Street at 7:00 pm, to consider objections to the formation of the JOHNSON CREEK BOULEVARD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT as described in the enclosed Resolution.

In order to be considered, objections to the local improvement district must be in writing and filed with the City Recorder no later than 4:00 pm on September 1, 1987. For further information, call the Public Works Director or the Finance Director between 9-12 am & 1-4 pm at 659-5171.

Jerri Widner, Finance Director
August 19, 1987

Mailed to owners of affected property on August 19, 1987.

Published in the Oregonian and the Enterprise Courier on August 21, 1987.

RESOLUTION NUMBER 27-1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE DECLARING THE CITY'S INTENT TO FORM THE JOHNSON CREEK BOULEVARD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT.

WHEREAS, the City has received sufficient petitions for the construction of the sanitary sewers in the described area, and

WHEREAS, preliminary plans, specifications and estimates have been prepared and filed with the Finance Director, and

WHEREAS, the Council deems it expedient and necessary to do this construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie that the City intends to construct sanitary sewers by local improvement district at a total estimated cost of \$64,500 in the area near Stanley Avenue as shown on Exhibit A.

BE IT FURTHER RESOLVED that the preliminary plans, specifications and estimates prepared by the Public Works Director are approved.

BE IT FURTHER RESOLVED that the City intends to form a local improvement district within the boundaries shown on the attached Exhibit A, and that upon completion of the construction, the total cost will be apportioned to the benefited properties listed in Exhibit A.

BE IT FURTHER RESOLVED that the benefited properties will be assessed according to the assessment formula in Exhibit B.

BE IT FURTHER RESOLVED that the Finance Director is directed to give notice of this improvement as required by Milwaukie Municipal Code 3.08.040.

Introduced and adopted by the City Council on August 18, 1987.

ATTEST:

Roger Hall
Roger Hall, Mayor

Jerri Widner
Jerri Widner, City Recorder

Approved as to form:

Greg Eades
Greg Eades, City Attorney

8/5/87 cjl